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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,398	09/28/2001	Jess Baker	BS01-231	5490

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EXAMINER

CHIANG, JACK

ART UNIT PAPER NUMBER

2642

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,398

Applicant(s)

BAKER ET AL.

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**CLAIMS**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Madsen et al. (US 6174205).

Regarding claim 1, Madsen shows a telephone (col. 3, lines 39-47) comprising:

a location (i.e. 14) adapted to engage a filter cartridge (in 52);

a filter cartridge (52) adapted to be inserted into the location and including a first and second end (56, 72);

the first end (56) including at least one connector (col. 8, lines 8-11);

the second end (72) including at least one first connector for receiving a DSL line, and at least one second connector for receiving a phone line (see, 114, 116, 118, col. 9, lines 54-63, col. 10, lines 1-10);

the second end (72) is configured to accept the DSL line and the phone line simultaneously (claim 9 in Madsen).

Regarding claim 7, Madsen shows a filter cartridge (in 52) for a telephone (col. 3, lines 39-47) comprising:

a first and second end (56, 72);

the first end (56) including at least one connector (col. 8, lines 8-11);

the second end (7) including at least one DSL connector for receiving a DSL line, and at least one second connector for receiving a phone line (see, 114, 116, 118, col. 9, lines 54-63, col. 10, lines 1-10);

the second end (72) is configured to accept the DSL line and the phone line simultaneously (claim 9 in Madsen).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen in view of Hollenbach (US 5877565).

Regarding claim 11, Madsen shows a filter cartridge (in 52) for a telephone (col. 3, lines 39-47) comprising:

a first and second end (56, 72);

the first end (56) including at least one connector (col. 8, lines 8-11);

the second end (56) including at least one line connector for receiving a phone line and a DSL connector for receiving a DSL line (see, 114, 116, 118, col. 9, lines 54-63, col. 10, lines 1-10),

the removable filter cartridge (52); and

the second end (72) is configured to accept the DSL line and the phone line simultaneously (claim 9 in Madsen).

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Madsen differs from the claimed invention in that it does not explicitly mention about splitting the signals.

However, in interface card which involves the combination of DSL line and PSTN line, it is commonly seen that signals are split. This is also shown by Hollenbach's fig. 1, in which the signals are split (see 120, 122, 132, 134).

Hence, if it is found that Madsen's signals are not split in the design of the interface card, it would have been obvious for one of ordinary skill in the art to adapt Hollenbach's interface design in Madsen, this type of card design is considered conventional when such cards are needed to interface with the PSTN and the DSL systems (col. 4, lines 14-48 in Hollenbach).

Regarding claims 2-5, 8-10, 12-19, Madsen or the combination of Madsen and Hollenbach shows:

a DSL filter (col. 10, lines 1-10 in Madsen; col. 4, lines 35-37 in Hollenbach);

the removable filter cartridge (52 in Madsen) where the ejection feature/switch is common when cartridge is used (such ejection and latch design is also shown in Hollenbach's fig. 5);

the female connector (see 114, 116, 118);

the four conductors or first inner pair and second outer pair (such as 120-126, 132, 134 in Hollenbach);

further, when cartridge is retained, it usually has biasing latch and shoulder to hold the cartridge, these are conventional features in holding and ejecting a cartridge (such ejection and latch design is also shown in Hollenbach's fig. 5).

### **ARGUMENT**

5. In response remarks (pages 6-7), Hollenbach is withdrawn in view of the amendment. Argument is answered in rejections above, see comments above.

6. Applicant's arguments with respect to claims 1-5, 7-19 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

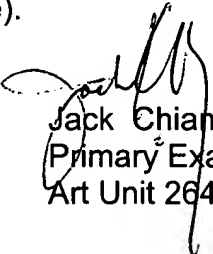
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack Chiang  
Primary Examiner  
Art Unit 2642